



CITY OF LEMON GROVE

Community Development Department

"Best Climate On Earth"

January 1, 2022

Senate Bill No. 9 – Duplex Housing and Urban Lot Splits

What is Senate Bill No. 9?

SB 9 requires local agencies to ministerially approve two residential units on a parcel within a single-unit residential zone if the development meets specific objective criteria. This bill also requires ministerial review for subdividing one lot into two lots within a single-unit residential zone and permitting up to two units on each parcel (four total dwelling units on what was formerly a single-unit lot). This legislation is effective January 1, 2022.

Does state law require Lemon Grove to comply with SB 9?

Yes, the bill imposes a state-mandated set of regulations which apply to all cities, including charter cities. The city code cannot preclude the construction of two units per lot, each 800 square feet minimum in floor area.

Where will SB 9 apply in Lemon Grove?

The new law applies to single-family residential zones only. This includes the RL, RLM, and RM zones. There are also certain criteria to be eligible to use this ministerial process, including:

- The site cannot be located on farmland, wetlands, high fire zones, hazardous waste sites, earthquake faults, flood areas, or conservation land.
- The proposal cannot include demolition of existing housing units that are: rent restricted for moderate, low, or very low income; rent-controlled by a public entity; or occupied by a tenant in the last three years.
- The site cannot be located in a historic district or on a property which is developed with a historic landmark.

How many units will be permitted on the lots after the law goes into effect?

Two units on a parcel if there is no requested lot split. If a lot split is also approved, there would be a maximum of four units (two per new parcel) resulting from the original parcel. If an applicant utilizes the provisions of SB 9, ADUs or Junior ADUs (JADUs) will not be allowed.

What lot split standards will be required?

There are certain criteria to be eligible to use this process to subdivide one lot into two lots, including:

- Each new lot must be at least 1,200 square feet;
- The split results in new lots of approximately equal size (60/40 minimum proportionality);
- The original lot was not established with a prior SB 9 lot split;
- The applicant is required to sign an affidavit stating they intend to occupy one of the units as their principal residence for a minimum of three years;
- The city will require easements for public services and utilities and a requirement for access to the public right-of-way, but not dedications or offsite improvement conditions; and,

- A maximum of 4 feet is required for setbacks of new structures from the interior side or rear but no setback is required for existing structures or structures rebuilt in the same location with same footprint.

Can units created by the provisions of SB 9 be used for short-term rentals or other nonresidential uses?

No. New units must be rented for a term longer than 30 days.

What about parking?

The city will require up to one off-street parking space per unit except no parking can be required if the parcel is located within ½ mile walking distance of transit or located within one block of a car share vehicle.

How do I file an application?

You may file a Tentative Parcel Map application using the City's standard Planning Permit Application form.